

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DONALD BLACKBEY,

Plaintiff,

VS.

ROBERT HOUSTON, et al.,

Defendants.

8:04cv48

MEMORANDUM AND ORDER

This matter is before the court on filing no. 102, the Joint Stipulation For Dismissal With Prejudice filed by the plaintiff, Donald Blackbey, and two of the defendants in this action, Dr. Gensler and Correctional Medical Services (“CMS”). The parties stipulate that they have settled the plaintiff’s claims against Dr. Gensler and CMS, and they request an Order of dismissal of those defendants with prejudice, each party to pay his or its own costs. Filing no. 102 is granted. This case will proceed on the plaintiff’s claims against the remaining defendants until the entry of judgment in the case.

THEREFORE, IT IS ORDERED:

1. That filing no.102, the Joint Stipulation For Dismissal With Prejudice filed by the plaintiff and defendants-Dr. Gensler and Correctional Medical Services is granted and approved;
2. That defendants-Dr. Gensler and Correctional Medical Services are dismissed with prejudice from this litigation, each party to pay his or its own costs; and
3. That this case will proceed on the plaintiff's claims against the remaining defendants until the entry of judgment in the case.

DATED this 8th day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge